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LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023			STRONCZER, RYAN S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,936

Applicant(s)

NYGAARD ET AL.

Examiner

Ryan Stronczer

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-155 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-80, 82-86, 95-100, 103-116, 126-130, 138-141, 150 and 152-154 is/are rejected.
- 7) ☒ Claim(s) 115 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/13/2006, 07/19/2006, 10/23/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims withdrawn from consideration are 81,87-94,101,102,117-125,131,132,134-137,142,149, 151, and 155

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 75-80, 82-86, 95-100, 103-116, 126-130, 133, 138-141, 150, and 152-154 in the reply filed on 23 June 2008 is acknowledged.

Claims 81, 87-94, 101, 102, 117-125, 131, 132, 134-137, 142-149, 151, and 155 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 23 June 2008.

Claim Objections

Claim 115 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 115 recites the method according to claim 113 "wherein the inviting comprises playing a message inviting the user to enter the device identification code"; however, it is not clear from the claim language how claim 115 recites a different limitation than claim 114 which recites the method according to claim 113 "wherein the inviting comprises displaying, on the display, a message inviting the user to enter the device identification code."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 75-80, 82, 83, 86, 95-100, 126, 129, 130, and 152-154 are rejected under 35 U.S.C. 102(e) as being anticipated by Carro (Pub. No.: US 2004/0139474).

As to claim 75 and 152-154, Carro teaches the recited method for selecting a section from a streamed broadcast program (*"Method for Selecting Topics of Interest"* [0171-0182]) comprising: [1] receiving at a first location a streamed broadcast program (*"[the user] selects a broadcast channel (302) on the receiver apparatus (for instance radio or television set) (314)"* [0174]); [2] rendering the received streamed broadcast program on a display (*"[the user] listens or watches the program transmitted on the selected broadcast channel (302)"* [0177]); [3] selecting a section from the received streamed broadcast program substantially when the section is rendered on the display (*"[the user] perceives in the program a topic of interest (304) for which he desires additional information or service [and] selects a topic by entering a selection command (303) on the user device (308)"* [0178-179]); [4] producing an indication signal which enables identification of the section based on a time at which selection of the section was carried out with respect to rendering progress of the streamed broadcast program

on the display (*"determines current universal-time by means of an universal-time device (for instance a GPS receiver) (306) integrated or connected to the user device"* [0180]); [5] and transmitting the indication signal to a second location remote from the first location, thereby enabling, at the second location, identification of the section and further processing thereof (*"Once the radio auditor or television viewer (301) has selected one or a plurality of topics of interest in a program (304) broadcast on a channel (302)...the auditor or viewer can retrieve from the Channel Information Server (309) the hyperlinks associated with the selected topics"* [0184]).

As to claim 76, Carro teaches that the Channel Information Server—located at the recited second location—identifies the selected section by the associated timestamp, as shown in Fig. 5 and 6.

As to claim 77, the recited calculation is inherent in Carro as Carro transmits the time of the selection to the second location. The recited recognizing is taught by Fig. 6 and 10-12 of Carro.

As to claim 78, 129, and 130, the link name taught by Fig. 7 and 8 of Carro is equivalent to the recited UID.

As to claim 79, the link transmitted to the user device (see Fig. 8) of Carro is equivalent to the recited representation. The recited transmitting is inherent in Carro.

As to claim 80, the link name and URL taught by Fig. 7 and 8 of Carro are equivalent to the recited metadata related to the section.

As to claim 82, the user device taught by Carro which receives the URL associated with the selected section is equivalent to the recited external device.

As to claim 83, the recited medium is inherent in the user device taught by Carro.

As to claim 86, the recited displaying and transmitting are inherent in the user device taught by Carro.

As to claim 95, Fig. 4-8 of Carro teach that the user can submit a request to the channel information server for the metadata associated with a plurality of segments and thus teaches the recited "transmitting a request to receive at least one of the following: a representation of a section preceding the section in the streamed broadcast program; and a representation of a section following the section in the streamed broadcast program."

As to claims 96-99, Carro teaches that the program from which the selected section is derived can include a television or radio broadcast, thus, by definition, the selected section is a segment of a television or radio broadcast.

As to claim 100, Carro teaches that the channel identification server uses the universal GPS time to find the metadata corresponding to the section(s) selected by the user. Carro further teaches that the GPS time has a built-in error correction capability [0117] and thus teaches the recited "wherein the identifying comprises identifying the section within an identification error range."

As to claim 126, Carro teaches that the program is displayed on the user's television.

Claim Rejections - 35 USC § 103

Claims 84, 85, 127, 128, and 138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carro.

As to claim 84, though Carro does not teach the recited memory stick, Examiner takes Official Notice that the use of an external memory device such as a USB memory stick was well-known and widely practiced in the art at the time of the invention and that it would have been obvious to one of ordinary skill in the art at the time of the invention to allow a user to save the updated universal time table of Fig. 7 to a memory stick instead of the user device's internal memory. This would have been desirable to allow a user to have a copy of the transmitted representation of the selected section that the user could access on a different device or to have a second copy as a backup.

As to claim 85, Carro teaches the system of claim 79, but does not explicitly teach the recited protocols for delivering said representation. Carro teaches *"The preferred embodiment of the invention relates to a system and method for enabling a person receiving a broadcast program...to select a plurality of topics or sequences drawing his or her attention and...accessing additional information related to these topics or sequences from the Word Wide Web"* [0055]. Examiner takes Official Notice that the use of a JAVA™ application to facilitate communication between the user's device and the Channel Information Server as well as to search the database for the information corresponding to the timestamp sent from the user's device would have been well-known and obvious to one of ordinary skill in the art at the time of the invention. Since the system taught by Carro is designed to use World Wide Web

communications, a JAVA™ application is a protocol that would have been well-known and easily implemented by one of ordinary skill in the art at the time of the invention.

As to claim 127, though Carro does not explicitly teach the recited “branding information,” it would have been obvious to one of ordinary skill in the art at the time of the invention that the links associated with each section could correspond to an advertisement which is of interest to the user, either an advertisement during a commercial break or a product placement advertisement within the program itself. This would have been desirable so as to provide users with easier access to information about products they might wish to purchase as well as to increase the cost-effectiveness of commercials for advertisers. Providing a link to a website for a company featured in an advertisement is equivalent to the recited “branding information.”

As claim 128, transmitting a URL for a company (e.g., “www.microsoft.com”) is equivalent to the recited “user rights code.”

As to claim 138, Carro teaches the recited “receiving a streamed broadcast program; rendering the received streamed broadcast program on a display; selecting a section from the received streamed broadcast program substantially when the section is rendered on the display” as analyzed above. As to the recited “producing, at one of a headend and a voice response system, an indication signal which enables identification of the section based on a time at which selection of the section was carried out with respect to rendering progress of the streamed broadcast program on the display,” Examiner further notes that while Carro does not explicitly teach that the Channel

Information Server is located at the head end, it would have been obvious to one of ordinary skill in the art at the time of the invention that a headend server could perform the function of the server taught by Carro.

Claims 103-106, 139-141, and 150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carro as applied to claim 75 above, and further in view of Rajamaki et al. (Pub. No.: US 2003/0038893) and Ullman et al. (US Pat. No.: 6,018,768).

As to claim 103, Carro teaches the method of claim 77 and Examiner notes that it would have been obvious to one of ordinary skill in the art at the time of the invention that the system taught by Carro could be used with any broadcast, digital or analog. Examiner further notes that while Carro does not explicitly teach that the Channel Information Server is located at the head end, it would have been obvious to one of ordinary skill in the art at the time of the invention that the headend servers could perform the function of the server taught by Carro; however, Carro does not explicitly teach the use of a remote control device to perform the selection action. In an analogous art, Rajamaki teaches capturing a selection of a digital broadcast using a remote control and that said selection can be output to a secondary user device such as a computer [0030-0031]. In a second analogous art, Ullman teaches extracting an identifier embedded in a video signal and transmitting said identifier from the user's set top box to the user's computer. It would have been obvious to one of ordinary skill in the art at the time of the invention that the teachings of Rajamaki and Ullman would

allow the user determine which segments of a program he wishes to receive further information about by using the remote control capturing taught by Rajamaki to activate the identifier extraction taught by Ullman and to send said extracted identifiers to the user's device, as taught by Ullman. Furthermore, it would have been obvious to incorporate the combined teachings of Rajamaki and Ullman into the system of Carro to allow the user to populate the Universal Time Table of Carro by using a remote control (as taught by Rajamaki) to export a time stamp of the capture command to the user's computer (as taught by Ullman). This would have been desirable so as to remove from the user the burden of manually recording in the Universal Time Table the time at which the selected segments of the broadcast were displayed.

As to claims 139 and 150, the rejection of claim 103 is incorporated herein. As to the recited "snapshot mode," utilizing a remote control to perform the selection method is equivalent to the recited snapshot. Examiner further notes that the system of Rajamaki can be used to capture a still image or frame from a video stream. The Channel Identification Server taught by Carro is equivalent to the identifier unit recited in claim 150.

As to claim 104, the systems of Carro, Ullman, and Rajamaki are all designed to work with digital television signals.

As to claims 105 and 140, Fig. 5 of Ullman teaches that the identifier (e.g., the time at which the capture request is issued) is determined by the STB.

As to claim 106 and 141, the recited identifying is taught by the Channel Identification Server of Carro as analyzed above. Furthermore, as analyzed with

respect to claim 103, it would have been obvious to one of ordinary skill in the art at the time of the invention that the Channel Identification server could be located at the head end.

Claims 111 and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carro in view of Rajamaki and Ullman as applied to claim 103 above, and further in view of Dresti et al. (Pub. No.: US 2005/0280743).

As to claims 111 and 112, the combination of Carro in view of Rajamaki and Ullman does not explicitly teach the recited "visual effect in response to the selecting" recited in claim 111 or the "flash video effect" recited in claim 112. Dresti teaches an analogous system for interaction between a remote control device in which *"FIG. 2 is a block diagram of a transmitter 30 which may be used to cause the video monitor 18 to flash in response to a request 20"*[0047]. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the video flash taught by Dresti with the system of Carro in view of Rajamaki and Ullman to provide the user with confirmation that the selection request had been registered by the system.

Claims 113-115 rejected under 35 U.S.C. 103(a) as being unpatentable over Carro as applied to claim 75 above, and further in view of Kamieniecki (Pub. No.: US 2003/0066080).

As analyzed above, Carro teaches the system of claim 75, but does not explicitly teach the capability to specify the device to which the representation of the selected

section is transmitted. Kamieniecki teaches a system in which the user may specify the device to which a headend delivers information or content. Kamieniecki teaches *"The second method of identifying an electronic device is depicted at block 430 of FIG. 4, where the user, by interacting with remote control 110, manually enters information into fields supplied by the GUI"* [0047]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the device-selection method taught by Kamieniecki into Carro to allow the user to specify a device to which the representation is transmitted. This would be a desirable modification of Carro to allow the user to have the information about the selected section sent a device other than the first user device containing the Universal Time Table.

Providing fields for entering an identification code via the GUI is equivalent to the "message inviting the user to enter the device identification code" recited in claims 114 and 115.

Claims 107-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carro as applied to claim 75 above, and further in view of Gabriel et al. (Pub. No.: US 2005/0022229).

As to claims 107-110, Carro teaches the method of claim 75, but does not explicitly teach the recited mark permitting or forbidding the production of an indication signal. Gabriel teaches a system for controlling access to content based on the metadata. Gabriel teaches a method *"to control access to content is provided which includes selecting content, the selected content having metadata linked thereto via a*

pointer. The metadata is obtained using the pointer. The metadata and at least one filtering criterion are compared, the filtering criterion describing characteristics of at least one of permitted content or prohibited content. Access to the selected content is permitted or denied based on the comparison" [0009]. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the metadata-based access control taught by Gabriel into the system of Carro to prevent users from accessing content that they do not have permission to view (e.g., to prevent children from accessing adult-oriented content related to a program).

Claim 116 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carro as applied to claim 75 above, and further in view of Hardingham et al. (Pub. No.: US 2003/0167469).

Carro, as analyzed above teaches the method of claim 79, but does not explicitly teach the recited "producing an indication of agreement by a user to pay for the transmitting of the representation of the section; and transmitting the representation of the section in response to the producing." Hardingham teaches an analogous system for transmitting a representation of a selected section of a program to a user. Fig. 3A-B of Hardingham teach that the user is prompted to select a representation and confirm payment for said representation of the selected section. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the payment system of Hardingham with the system of Carro to allow Carro to provide users with

access to proprietary Web content (e.g., videos or archived news stories that require a fee to view).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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